

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>PHILLIP W. BELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
	)	
<b>vs.</b>	)	<b>CASE NO. 3:11-0418</b>
	)	<b>JUDGE CAMPBELL/KNOWLES</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**REPORT AND RECOMMENDATION**

By an Order entered May 12, 2011, the undersigned set this matter for an Initial Case Management Conference on July 12, 2011, at 10:00 a.m. Also set at that time for Initial Case Management Conferences were four other related cases: *Renegar v. United States*, Case No. 3:11-0101; *Etzle v. United States*, Case No. 3:11-0150; *Wilkinson v. United States*, Case No. 3:11-0151, and *Osborn v. United States*, Case No. 3:11-0240. Counsel for the parties failed to appear at the Initial Case Management Conference.

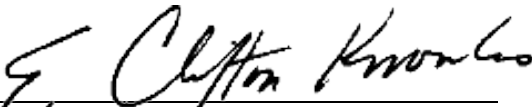
On the afternoon of July 12, 2011, Defendant filed a Motion to Dismiss this action, based upon Judge Campbell's dismissal of another similar action, *Mayo v. United States*, Case No. 3:10-0997 on May 6, 2011.

As the Court has discussed in Orders entered in the four referenced related cases, Plaintiff's counsel advised Holly Vila the morning of July 12 that *Mayo* would not be appealed, that he did not plan to attend the Initial Case Management Conferences, and that he expected

Judge Campbell would dismiss these five cases.<sup>1</sup>

For the foregoing reasons, the undersigned recommends that this action be DISMISSED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
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E. Clifton Knowles  
United States Magistrate Judge

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<sup>1</sup> An assistant to the AUSA representing Defendant also spoke with Courtroom Deputy, Holly Vila on the morning of July 12. She advised Ms. Vila that Defendant's counsel was on military service and that he had understood that Plaintiff's counsel would be filing something with the Court prior to the Initial Case Management Conference.